

May 17, 2005

Mr. Ken Moy
Association of Bay Area Governments
P.O. Box 2050
Oakland, California 94604-2050

And Interested Parties and Persons

RE: April 29, 2005 Letter to Eric Feller, Commission Council
Reconsideration of Denial of Appeal of Executive Director's Decision on the
Inapplicability of the California Code of Regulations, Title 2, Section 1188.4 to
Reconsideration of Decision 04-RL-3929-05, *Regional Housing Needs Determination:
Councils of Governments*

Dear Mr. Moy:

On May 2, 2005, Mr. Eric Feller, Commission Counsel, received a letter requesting reconsideration of the Commission on State Mandates' decision on March 30, 2005, denying ABAG's Appeal of the Executive Director's Decision on the inapplicability of California Code of Regulations, title 2, section 1188.4. The appeal of the Executive Director's decision was made pursuant to California Code of Regulations, title 2, section 1181, subdivision (c).

The Commission's authority for reconsideration is derived from Government Code section 17559, subdivision (a), which authorizes the Commission to reconsider "... all or part of a test claim or incorrect reduction claim on petition of any party"

ABAG's April 29, 2005 letter requesting reconsideration does not address "all or part of a test claim or incorrect reduction claim." Therefore, Government Code section 17559 does not apply to the Commission's decision to deny ABAG's Appeal of the Executive Director's Decision on the inapplicability of California Code of Regulations, title 2, section 1188.4. Accordingly, ABAG's request for reconsideration is being returned.

Sincerely,

PAULA HIGASHI, Executive Director
Commission on State Mandates

Enclosure: April 29, 2005 Letter to Eric Feller, Commission Counsel